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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: P.K. Chakravarty et al.

Serial No.: 10/552,024 **Case No.:** 21374YP

Filed: October 03, 2005

For: Biaryl Substituted Pyrazoles as Sodium Channel Blockers

Art Unit
1626

Auth. Off.:
S. Chung

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is filed in response to the restriction requirement mailed May 20, 2008 and for which a response is due on June 20, 2008. Claims 1-44 are currently pending in the application and are subject to the following restriction under 35 U.S.C. 121:

Group I: claims 1-31 drawn to compounds of formula (I), (II), (III), or (IV), classified in various subclasses of classes 548.

Group II: claims 32-44, drawn to methods of using the compound of formula (I), (II), (III), or (IV) classified in various subclasses of classes 514.

Applicants elect Group I, claims 1-31 drawn to a compound of formula I, (I), (II), (III), or (IV).

35 U.S.C. 121 specifies that if two or more independent and/or distinct inventions are claimed in one application, the Commissioner may require the application to be restricted to one of the inventions. See MPEP 802.01. Independent generally means that there is no disclosed relationship between the two or more claimed inventions. "Distinct" means that the inventions, although related, are capable of separate use and patentably distinguishable.

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The Examiner based the restriction on the ground that the compounds lack a common core and that the technical feature of the pyrazole ring, which may be substituted with an aryl or heteroaryl group does not define a contribution over the prior art. However, the technical feature of the claimed compounds is a pyrazole substituted with a substituted biphenyl. Thus, a search of the compounds in Group II would require no additional burden on the part of the Examiner to conduct the prior art search for examination of the present application in total.

As required by the Examiner, applicants further elect the compound of example 67 as the species, and assert that claims 1-31 are identified as encompassing the elected invention.

In view of the above, the Examiner is respectfully requested to withdraw the restriction requirement.

Authorization is hereby given to charge any fees which may be due as a result of this petition to Deposit Account No. 13-2755.

Respectfully submitted,

By: 

Sylvia A. Ayler

Reg. No. 36,436

Attorney for Applicant(s)

MERCK & CO., INC.

P.O. Box 2000

Rahway, New Jersey 07065-0907

(732) 594-4909

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